



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Sony Corporation of America

File: B-224373.3

Date: April 16, 1987

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### DIGEST

General Accounting Office (GAO) will dismiss protest where issues raised are before a court of competent jurisdiction; the protester has not asked that the court seek GAO's opinion; and the court has not expressed interest in a GAO decision.

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### DECISION

Sony Corporation of America protests the award of a contract to the Canadian Commercial Corporation (CCC) and its subcontractor, Matrox Electronic Systems Limited, under request for proposals No. DAAB07-86-R-B048, issued by the Army for electronic information delivery systems (EIDS), computer-based audiovisual equipment to be used as training devices for soldiers. We dismiss the protest.

Sony contends that the award was improper because the Army failed to receive timely endorsements of the Matrox proposal from CCC as required under the Department of Defense Federal Acquisition Regulation Supplement, 48 C.F.R. § 225.7104 (1985). On March 26, 1987, while the protest was pending, Sony filed suit in the U.S. District Court for the District of New Jersey challenging the procurement on the same grounds on which the protest to our Office was based.<sup>1</sup>/ Since the issues raised in the protest

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<sup>1</sup>/The lawsuit also raises other issues which had been raised and considered on the merits in an earlier protest to our Office. We denied that protest. Sony Corp. of America, B-224373.2, Mar. 10, 1987, 87-1 CPD ¶ \_\_\_\_.

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are now before a court of competent jurisdiction; Sony has not asked that the court seek our opinion on the issues; and the court has not expressed interest in our decision, the protest is dismissed. Bid Protest Regulations, 4 C.F.R. § 21.9(a) (1986); C&M Glass Co., B-218227, Apr. 15, 1985, 85-1 CPD ¶ 430.

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